

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Senate Bill 295 be amended to read as follows:

- 1 Page 1, line 2, after "1." insert "(a)".
- 2 Page 1, line 2, delete "If" and insert "**Subject to subsections (b)**
- 3 **and (c), if**".
- 4 Page 1, line 13, delete "IC 8-1-2-1)." and insert "**IC 8-1-2-1)**";.
- 5 Page 1, line 14, delete "The" and insert "the".
- 6 Page 1, line 16, reset in roman "or".
- 7 Page 1, line 16, delete "viciousness," and insert "viciousness".
- 8 Page 1, line 16, delete "or the fact".
- 9 Page 2, delete line 1, begin a new paragraph and insert:
- 10 "**(b) Except as provided in subsection (c), subsection (a) does not**
- 11 **apply if, when a dog bite occurs:**
- 12 **(1) the dog referred to in subsection (a) is on the real property**
- 13 **of the dog owner; and**
- 14 **(2) there is a sign on the real property of the dog owner that:**
- 15 **(A) is conspicuously posted;**
- 16 **(B) is readable from a public way adjoining the real**
- 17 **property of the dog owner; and**
- 18 **(C) warns that a dog is present on the property.**
- 19 **(c) Subsection (b) does not apply if the person who is bitten is:**
- 20 **(1) a firefighter or another provider of emergency services**
- 21 **responding to an emergency; or**
- 22 **(2) a law enforcement officer."**
- 23 Page 2, line 4, delete "Except as provided in subsection (b), an" and
- 24 insert "**If :**

1 **(1) a person:**

2 **(A) owns or has control of real property where a person**
 3 **described in section 1(a) of this chapter is bitten; and**

4 **(B) owns the dog that bites the person described in section**
 5 **1(1) of this chapter;**

6 **(2) the person who is bitten incurs serious bodily injury from**
 7 **the dog bite; and**

8 **(3) the person referred to in subdivision (1) knowingly or**
 9 **intentionally:**

10 **(A) fails to have conspicuously posted on the property, at**
 11 **the time of the dog bite, a sign that:**

12 **(i) is readable from a public way adjoining the property;**
 13 **and**

14 **(ii) warns that a dog is present on the real property; or**

15 **(B) if a sign described in clause (A) is not posted on the**
 16 **property, fails to take reasonable steps to restrain the dog**
 17 **when the person is bitten;**

18 **the person referred to in subdivision (1) commits a Class B**
 19 **misdemeanor."**

20 Page 2, delete lines 5 through 23.

21 Page 2, between lines 32 and 33, begin a new paragraph and insert:

22 **"(c) If a person required to enter a dog owner's property for the**
 23 **purpose of discharging a duty described in section 1(a) of this**
 24 **chapter is unable to enter the dog owner's property due to the**
 25 **presence of the owner's dog, the person shall:**

26 **(1) notify the dog owner by certified mail, return receipt**
 27 **requested, that the person is required to enter the dog owner's**
 28 **property; or**

29 **(2) obtain an order from a court authorizing the person to**
 30 **enter the dog owner's property."**

(Reference is to ESB 295 as printed April 6, 2001.)

Representative Whetstone